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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/659,488

09/10/2003

Raymond Jose Norland

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07/29/2004

DELPHI TECHNOLOGIES, INC.

M/C 480-410-202

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EXAMINER

LUEBKE, RENEE S

ART UNIT

PAPER NUMBER

2833

DATE MAILED: 07/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/659,488

Applicant(s)

NORLAND & CASTNEDA & WOITH

Examiner

Renee S. Luebke

Art Unit

2833

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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1. The drawings (sheets 2 and 3) were received on June 25, 2004. These drawings are acceptable.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 1-11 remain rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's prior art shown in Fig. 1 in view of Porter. The prior art, as shown by applicant in Fig. 1 comprises all of the claimed limitations, including contact pads arranged in at least three rows with several pads in each row. It includes an elastomer pad, but lacks the claimed pad shape. However, arcuate pads are well known for connectors. Porter is an example of such a pad 28; as claimed it comprises an arcuate surface 30 on one side and ribs on the other. As stated, this arrangement is used to tightly trap the flexible circuit in place (column 3, lines 50-53). For the same reason, it would have been obvious to use the shape of the pad taught by Porter on the prior art connector of Fig. 1. In regard to claims 5 and 8, the arc of Porter is seen to apply pressure in the same manner as that of the present invention since the same shape is used.

Applicant argues that since Porter does not have at least three rows with several contact pads in each row, it does not teach a solution for the prior art and it would not have been obvious to combine the teachings. However, the limitation concerning three rows and multiple pads in each row is met by the base reference, the prior art disclosed by applicant in Fig. 1. A teaching reference does not have to include all of the limitations in order to be relevant. Further, Porter is relevant and analogous because it is a similar device, even if it is somewhat different in scale. Applicant has not shown any supporting evidence for the allegation that Porter is non-analogous art.

In regard to claim 2, 3, 6 and 10, applicant states that further limitations in these claims "have not been taken into account." However, applicant has not indicated any limitations therein that are not found in the prior art.

In regard to claim 9, applicant alleges that the ribs of Porter cannot be flattened due to the required slot. However, the slot is what defines a rib, in the arrangement of Porter and that of the present invention. Pressure on elastomeric ribs will flatten them. The structure that is applying the pressure and doing the flattening (if it is relatively flat and parallel, like that of Porter and the present invention) will cause the ribs to be "substantially planar and parallel to each other" as claimed.

In regard to claim 11, on the device of Porter each longitudinal row of contacts is comprised of two contacts 53, 55. There are five rows shown in Fig. 7. There are only two longitudinal ribs, a lesser number, thereby meeting the claim limitation.

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


5. It is suggested that responses to this final action be faxed to:
(703) 872-9306

Alternatively, responses may be mailed to:
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mrs. Renee Luebke at (571) 272-2009. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mrs. Paula Bradley, can be reached at (571) 272-2800, extension 33.



Renee S. Luebke
Primary Patent Examiner
July 27, 2004